

REMARKS

This paper is presented in response to the Office Action. By this paper, claims 3 and 16 are canceled, and claims 1, 4-6, 10, 13 and 14 are amended. Claims 1, 2, 4-15 and 17-20 are now pending in view of the aforementioned cancellations.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Inasmuch as the present amendment does not touch the merits of the application, but instead simply addresses minor informalities and sets forth claim amendments that the Examiner has suggested would put the claims in allowable condition, entry of this amendment is proper under 37 C.F.R. § 1.116.

I. General Considerations

Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Rejection of Claims 1-3, 7-10, and 12-20 under 35 U.S.C. § 103

The Examiner has rejected claims 1-3, 7-10, and 12-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,991,381 to Kropp ("*Kropp*"). Applicant respectfully disagrees but submits that in view of amendments made herein to the claims, the rejection is moot and should accordingly be withdrawn.

III. Allowable Subject Matter

The Examiner has indicated that claims 4-6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended claim 1 to incorporate the limitations of claims 4 and 5, which previously depended from claim 1. As such, Applicant submits that amended claim 1 is now in condition for allowance. For at least the same reason(s), claims 2, 4-15 and 17-20, which depend from claim 1, are believed to be in condition for allowance as well. In light of the discussion herein, Applicant respectfully declines to rewrite claims 6 and 11 as independent claims at this time.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. In general, Applicant agrees with the Examiner that the inventions to which claims 4-6 and 11 are respectively directed are patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowability as set forth in the Office Action.

Particularly, Applicant submits that it is improper to characterize a single limitation, or subset of limitations, as constituting the basis for allowance of a claim. Rather, the patentability of a claim is properly determined with reference to the claim as a whole. Accordingly, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claim allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the Office Action concerning the allowability of claims 4-6 and 11 in view of the cited references.

CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1, 2, 4-15 and 17-20 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 12th day of February, 2007.

Respectfully submitted,



Eric L. Maschoff
Attorney for Applicants
Registration No. 36,596
Customer No. 022913
Telephone: (801) 533-9800

W:\16274\180\ML0000004774V001.doc